

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

<b>KIRSTIE TRAHAN, a resident of Glenburn, County of Penobscot and State of Maine,</b>	[ ]
	[ ]
	[ ]
<b>PLAINTIFF</b>	[ ]
	[ ]
<b>v.</b>	[ ]
	<b>Civil Action Docket No.</b>
	[ ]
<b>WAYFAIR MAINE, LLC., a foreign corporation doing business in Bangor, County of Penobscot and State of Maine,</b>	[ ]
	[ ]
	[ ]
<b>DEFENDANT</b>	[ ]

**COMPLAINT AND DEMAND FOR JURY TRIAL**

1. Plaintiff Kirstie Trahan is a resident of Glenburn, County of Penobscot and State of Maine.
2. Defendant Wayfair Maine, LLC is a foreign corporation doing business in Bangor, County of Penobscot and State of Maine.
3. This action raises questions of federal law pursuant to the Americans with Disability Act, 42 U.S.C. § 12101, et. seq. (the “ADA”).
4. The court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because this case involves one or more questions arising under federal law.
5. Plaintiff requests the court to exercise its supplemental jurisdiction pursuant to 28 U.S.C. § 1337 over Plaintiff’s state law claims against the individual defendants which involve common questions of law and fact that are interrelated to Plaintiff’s federal claims.
6. On or about August 7, 2017, Plaintiff Kirstie Trahan was hired as a sales and service consultant for Defendant Wayfair Maine, LLC.

7. At all times pertinent to this complaint, Plaintiff Trahan has suffered from post-traumatic stress disorder which is a disability within the meaning of the ADA.

8. On or about September 20, 2017, Plaintiff Trahan was being treated in a rude and argumentative manner by a number of her co-workers.

9. Following the incident with her co-workers, Plaintiff Trahan experienced a PTSD flashback due to the confrontation with her co-workers and she audibly made derogatory comments about her co-workers while she was performing computer work.

10. Plaintiff also notified her manager that she was seeking to be moved to another location in the building to remove herself from the troublesome co-workers.

11. Rather than investigate the circumstances that gave rise to the derogatory comments, Defendant's management suspended Plaintiff Trahan.

12. After being suspended, Plaintiff informed Defendant's management that she had PTSD which had caused her to make the untoward remarks.

13. On September 21, 2017, Plaintiff Trahan had an extended conversation with Defendant's H.R. Director regarding the trigger of Plaintiff's PTSD during the incident with her co-workers and at subsequent meetings regarding the incident.

14. During that conversation, Plaintiff Trahan requested a reasonable accommodation to be moved to another team to separate herself from the offending co-workers.

15. Rather than exploring whether or not Plaintiff could perform the essential functions of her job through a reasonable accommodation as required by the ADA, Defendant Wayfair terminated Plaintiff Trahan the following day.

16. Defendant Wayfair violated Plaintiff Trahan's statutory right under the ADA and the Maine Human Rights Act, 5 M.R.S. §4571 et. seq. to be free from disability discrimination by:

- (a) failing to thoroughly investigate the underlying altercation caused by Plaintiff's co-workers;
- (b) failing to accommodate her disability; and (c) terminating Plaintiff because of her disability.

Wherefore Plaintiff Kirstie Trahan requests the court to enter judgment in her favor against Defendant Wayfair Maine, LLC for the following legal and equitable relief:

- a. Enter a permanent injunction prohibiting Defendant Wayfair Maine, LLC from further violations of the Americans with Disabilities Act and the Maine Human Rights Act;
- b. By awarding back pay or front pay;
- c. By awarding compensatory damages up to the limits available under the Americans with Disabilities Act and Maine Human Rights Act or nominal damages;
- d. By awarding punitive damages;
- e. By awarding attorney's fees and costs; and
- f. By awarding such further legal and equitable relief that the court deems just.

Dated: May 24, 2018

/s/ Brett D. Baber

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